

Entered - 05/11/00 - sb  
CL00L0277 - DIANNE C. MITCHELL

01- *R*-0159

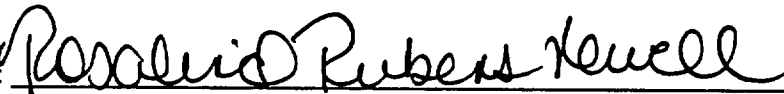
CLAIM OF: **COLLIER COMMONS HOMEOWNERS  
ASSOCIATION**  
716 Collier Commons Circle  
Atlanta, Georgia 30318

For damages alleged to have been sustained as a result of property damage during the installation of curbing in April, 1999 at the Collier Commons Subdivision Entrance.

BY PUBLIC SAFETY AND  
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **COLLIER COMMONS HOMEOWNERS** the sum of \$1,559.00 in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of property damage during the installation of curbing in April, 1999 at the Collier Commons Subdivision Entrance as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD  
CITY ATTORNEY

BY:   
\_\_\_\_\_  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0277

Date: January 29, 2001

Claimant /Victim COLLIER COMMONS HOMEOWNERS ASSOCIATION

BY: (Atty.) (Ins. Co.) \_\_\_\_\_

Address: 716 Collier Commons Circle, Atlanta, Georgia 30318

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 1,559.00 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 06/17/99 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 04/99 Place: Collier Commons Subdivision Entrance

Department Public Works Division: Street Operations

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimant's property was damaged during the installation of curbing by City forces causing damages to landscaping and the sprinkler system.

INVESTIGATION:

Statements: City employee X Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral X

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

BASIS OF RECOMMENDATION:

Function: Governmental \_\_\_\_\_ Ministerial X

Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable X

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 1,559.00 Adverse X Account charged: 1A01 X 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_

Claims Manager:  Concur/date 01-29-01

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

Mercedes-Benz

M. F. Kull  
05/01/03

Atlanta Classic Cars, Inc.

ENTERED - 5-11-00 - SB  
00L0277 - DIANNE MITCHELL

6-17-99

Dear Mr. Frank

My name is Aunt Z Phillips  
and I am the president of Collier Commons  
Homeowners Association. This spring we had  
a club installed by the city.

I would like to take a minute  
and thank Mr. Wright for  
her help in the project and even  
Ms Wright helped in every way she could.  
I hope to realize what a  
great asset she is to your office.



Mercedes-Benz

Atlanta Classic Cars, Inc.

She even had a pot hole fixed on  
Howell Mill Rd the same day it  
requested it.

Best Regards

John F. Clark

716 Collier Commr Ctr

Attn: 30318

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 00L0277

\$ 1,559.00

IN CONSIDERATION of the sum of ONE THOUSAND FIVE HUNDRED FIFTY-NINE & NO/100  
           DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged,  
I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City,  
its officers and employees, from any and all claims, demands, actions, causes of action, suits, damages, loss and  
expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly

for or on account of damage to the sprinkler system

which occurred during the month of April, 1999,

at or near Collier Commons subdivision entrance at Colliers Commons Circle

It is further understood and agreed that the payment of the above named sum is not to be considered as an admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents, servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers, agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

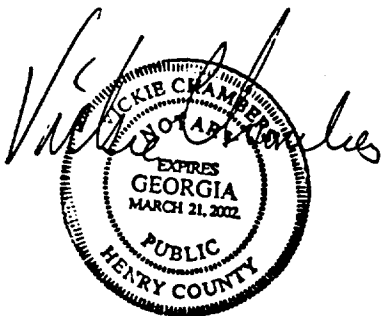
And I now state that the only consideration for my signing this release and indemnification is the payment of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this instrument.

WITNESS my hand and seal this 29th day of January, 2001

David Phillips (LS)  
DAVID PHILLIPS, PRESIDENT  
COLLIER COMMONS HOMEOWNERS ASSOCIATION

The above release was read and explained to, and signed by the said \_\_\_\_\_

\_\_\_\_\_ in our presence on the date above written.



[Signature]  
[Signature]  
WITNESSES

01- R-0159